

PLANNING COMMISSION MINUTES
February 18, 1997

Present: Vice-Chairman Lois Williams, Don Milligan, Ken Cutler, Dick Drescher, Mike Holmes; Sam Fowler, City Council Representative; Jack Balling, City Engineer; Blaine Gehring, Planning Director; Connie Feil, Recording Secretary.

Absent: Rusty Mahan, City Attorney; Dean Jolley, Chairman; Mark Green.

Lois Williams welcomed all those present. The minutes for February 4, 1997 were modified with the following on page four:

| There is a conflict with this and another section saying that a ~~deck~~ roof or canopy can be no more than one story in height.

| 4. A permanent roof or canopy attached to the main ~~building~~ dwelling which covers a use customarily recognized as an open, outdoor use, such as a patio, patio deck, hot tub, etc., may extend into the rear yard no farther than one-half the required rear yard setback distances, if the roof or canopy:

Dick Drescher made a motion to approve the minutes as modified. Don Milligan seconded the motion and voting was unanimous.

Conditional Use Permits

1. Public hearing to consider granting a conditional use permit to create a flag lot at 849 E. 900 N., Todd Holloway, applicant.

Todd Holloway, applicant, was present. Mike Holmes will be abstaining from voting on this item. Blaine Gehring explained that Mr. Holloway owns this large parcel of property with an existing home on it. Mr. Holloway would like to create a flag lot with this property for the purpose of building a home for his family. There could be a potential problem with the stem representing more than 20% of the proposed lot to be created. Otherwise, this proposal does meet all other conditions for a flag lot. The measurements are coming only from an aerial photo which is at a scale of 1 inch=50 feet. Mr. Gehring recommends granting the creation of the flag lot but would like to table the item to allow Mr. Holloway the opportunity to get an accurate survey and see if another configuration can be reached which meets all the requirements.

Todd Holloway agrees with Mr. Gehring and feels that his proposal can be arranged to meet all requirements. This is a large lot and Mr. Holloway feels comfortable with building his home on it.

The public hearing was opened for further comments and concerns. O C Shurtliff, residing at 826 East 1050 North, presented a letter of objection for approval of a flag lot at 849 E. 900 N.

Mr. Shurtliff mentioned that he has signatures from 21 of the 23 surrounding property owners objecting to this proposal. Mr. Shurtliff questions the proper use of this property. This property was used as an orchard and is surrounded by other orchards. Mr. Shurtliff feels that this property should remain agriculture not residential. Mr. Shurtliff would like the Planning Commission to deny the flag lot rather than table the proposal.

Boris Osojnak, residing at 745 E. 900 N., is opposed to building on this lot. He feels that this will close off the openness that is felt from the surrounding large lots. Closing this lot with another home will take this feeling away from the neighborhood.

Eugene Nielsen, residing at 795 East 900 North, owns the lot on the west side of Mr. Holloway. Mr. Nielsen has lived here for 33 years and opposes granting this flag lot. Mr. Holloway will put his driveway along Mr. Nielsen's property. The trees in the orchard were dead and had to be cut down. If this proposal is granted more trees will be cut down for a driveway.

Bonnie Brockbank, residing at 937 N. 900 E., feels that granting this flag lot will lower her property value because this will block the view from her home.

O C Shurtliff asked to speak for his neighbor John Kelly who also objects to this flag lot. Mr. Kelly owns five other lots and has no intention of selling or subdividing these lots.

There were no other comments and the public hearing was closed.

Todd Holloway understands the concerns about having a house built in the rear of an existing lot.

When Mr. Holloway bought this property the trees were already dead and had to be cut down. At this time of the neighbors were pleased that the property was being cleaned up and taken care of. No one knows what will happen in the future with the surrounding properties. They could be sold and subdivided into smaller lots, no one knows. Mr. Holloway enjoys the neighborhood and would like to be a part of it. His intentions are to live in the existing home until the new one, on the flag lot, can be built.

There was a discussion about the size of the stem and if it can be arranged to meet the ordinance.

Blaine Gehring mentioned that the square footage of the lot meets the ordinance the problem is with the portion of the stem that is using too much of the lot. Jack Balling and Blaine Gehring have reviewed the plans and feel that there are ways this can be done to meet the ordinance.

Don Milligan mentioned that as a Planning Commission they should do and follow the city ordinances, if we don't we are liable. Just because 21 out of 23 neighbors object to this proposal the Planning Commission has to follow the ordinance. If the square footage is allowable and meets the ordinance the Commission has to grant the proposal.

Jack Balling mentioned that there are some heavy costs with developing this as a flag lot. Mr. Balling wanted to make sure that Mr. Holloway knows costs involved.

Sam Fowler feels that the Planning Commission has some homework to do concerning this issue. Mr. Fowler feels that this issue should be tabled and he does not want to vote on this without further review.

Ken Cutler mentioned that the Commission needs to study this further but maybe Mr. Holloway needs to review the situation with 21 neighbors objecting to this flag lot. Mr. Holloway also needs to prepare a plan that will meet the ordinance. Mr. Cutler agrees to table this item and give Mr. Holloway the time needed to prepare new plans.

Dick Drescher would like to see some plans to see what is feasible with the stem to this property.

Sam Fowler made a motion to table granting a conditional use permit for a flag lot at 849 E. 900 N., Todd Holloway, applicant. Ken Cutler seconded the motion and voting passed by majority vote. Mike Holmes abstained from voting.

Site Plans

1. Consider preliminary and final site plan approval for 5 condominium units in the Carriage Crossing Condominiums, TDA Properties, owner.

Bruce Taylor, representing TDA Properties, was present. Bruce Taylor explained that TDA Properties would like to complete and finish the final phase of Carriage Crossing.

Blaine Gehring explained the conditions for this project they are as follows:

1. Correct the sewer lateral to comply with plumbing code which requires a 2% grade.
2. Completion of plans for compliance with Building Codes.
3. Payment of all required fees for water, sewer and building construction.
4. Provide 20 ft. utility easement to Bountiful City along creek as per county ordinance requirements.
5. Provide any other easements as may be required by power, gas, telephone, etc.

Mike Holmes asked, if the property is sold, is there an easement to cross property lines from Mr. Flakes business to the condominiums? Currently the properties are jointly owned with a one owner deed. These properties are two different zones, residential and commercial. Mr. Holmes would like to have a recorded easement access across the property lines.

There were some questions about the pond in handling the flood water. The detention basin/pond will be redone to handle the water drainage and they have received approval from the Davis County Flood Control. Four of the five condominiums will not have any basements. Mr. Flake will own the fifth condo and it will have a space for mechanical and storage for the basement.

Mike Holmes made a motion to recommend to the City Council preliminary and final site plan approval for 5 condominiums at Carriage Crossing with the addition of the following conditions:

6. Flood control ordinance be reviewed.
7. Proof of a legal easement access between units A,B&C.
8. Recorded cross easement from unit C to the parking lot.

Don Milligan seconded the motion and voting was unanimous.

Meeting adjourned at 8:P.M.